

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

KENNETH UPCHURCH

Plaintiff,

v.

**TIMOTHY DEE DODD and
THE ROBERTSON COMPANY, LLC**

Defendants.

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Civil No. 3:24-cv-0213

JUDGE ALETA TRAUGER

JURY DEMAND

DEFENDANTS' MOTION TO AMEND SCHEDULING ORDER

COMES NOW Defendants Timothy Dee Dodd ("Mr. Dodd") and The Robertson Company, LLC ("TRC") (collectively, "Defendants"), by and through counsel, to respectfully seek relief from the Court's current Scheduling Order. Counsel for Plaintiff has indicated that he does not object to the deadline extensions requested in this motion so long as the trial date is unaltered.

In support of this Motion, Defendants would show as follows:

1. This is a personal injury case arising out of a motor vehicle incident occurring on or about February 14, 2023, of which is the subject of this lawsuit.
2. On July 15, 2024, the Court entered the Initial Case Management Order. The Case Management Order set Defendant's Expert Disclosure deadline for March 29, 2025. The deadline for Expert Depositions is set for June 30, 2025. Finally, the Dispositive Motions deadline is set for August 31, 2025.
3. On January 14, 2025, Defendants and Plaintiff Kenneth Upchurch ("Plaintiff") (collectively, the "Parties") filed a Joint Motion to Extend Fact Discovery Deadline. In such

Motion, the Parties explained that they have cooperated in discovery and exchanged written discovery, but Plaintiff obtained additional medical treatment that required Plaintiff to supplement prior discovery responses with additional medical records and bills. Additionally, the Parties explained that Defendants required additional time to seek independent verification of Plaintiff's medical treatment. On January 15, 2025, the Court granted the Parties' Joint Motion and extended the fact discovery deadline until March 21, 2025. The Court did not extend any other deadlines at that time.

4. Party depositions took place on March 19, 2025, and the parties then submitted to mediation before mediator Mark S. LeVan on April 3, 2025. The initial mediation was not successful, but the parties continued to attempt resolution after the mediation. Eventually, the follow-up negotiations reached an impasse and were unsuccessful, as evidenced by the Mediation Report filed by Mr. Levan on May 6, 2025 (Docket Entry No. 20.)

5. Defendants continued to receive additional medical records from Plaintiff's treatment providers and determined that they need additional time in which to obtain an independent medical expert to verify the reasonability of Plaintiff's medical treatment, including the two (2) previous shoulder surgeries.

6. Based on the activities outlined above, including the Parties' sustained good faith efforts to resolve this dispute, Defendants respectfully request relief from Defendant's Expert Disclosure deadline and a continuance of Defendant's expert disclosure deadline from March 29, 2025, to June 30, 2025. Defendants further request or the deadline for the parties to complete expert proof to be extended from June 30, 2025, until August 15, 2025. Defendants do not anticipate that any other deadlines in this case, including the dispositive motion deadline and the trial date of January 6, 2026, need to be altered to accommodate Defendants' request.

WHEREFORE, Defendants pray that the Court grant this Motion to extend the current Case Management Order deadlines as provided above, and permit the Parties to submit an Amended Consent Scheduling Order.

Respectfully submitted,

s/ Peter C. Robison

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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this the 9th day of May, 2025, a true and correct copy of the foregoing DEFENDANTS' MOTION TO AMEND SCHEDULING ORDER has been served via the court's electronic case-filing system and/or email to counsel of record, as follows:

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Counsel for Plaintiff

s/ Peter C. Robison

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